

## § 17.220

## 38 CFR Ch. I (7–1–00 Edition)

beds shall provide justification for the beds by addressing the following areas:

(1) Demographic characteristics of the veteran population of the area;

(2) Availability and suitability of alternative health care providers and facilities in the area;

(3) Waiting lists for existing State home beds;

(4) Documentation that existing State home facilities in the State meet current codes and standards;

(5) Availability of acute medical care services and qualified medical care personnel to staff the proposed facility;

(6) Other information that may be required by the Assistant Chief Medical Director for Geriatrics and Extended Care in the Department of Veterans Affairs.

(Authority: 38 U.S.C. 8134(2))

(c) *Revisions to preapplications.* Grantees shall request approval from the Department of Veterans Affairs for significant revisions after preapplications have been submitted to the Department of Veterans Affairs. If the scope changes and/or cost estimates increase by more than 10 percent, a new preapplication may be required which will be subject to the same review and approval procedure as for the original preapplication.

(Authority: 38 U.S.C. 8134(2))

(Information collection requirements contained in § 17.219 were approved by the Office of Management and Budget under control number 2900–0520)

[56 FR 20357, May 3, 1991. Redesignated at 61 FR 21966, May 13, 1996]

### § 17.220 Application phase.

(a) *General.* The applicant shall submit an original and two copies of the formal application (SF 424, 424C, and 424D) after the preapplication has been reviewed by the Department of Veterans Affairs and determined feasible for Department of Veterans Affairs participation. The application must meet the requirements of parts 43 and 44 of this chapter and include an updated space program, design development plans (35 percent), and specifications as outlined in paragraph (b) of this section.

(Authority: 38 U.S.C. 8134(2))

(b) *VA review.* (1) *Program.* The applicant shall provide a narrative description of existing or planned program(s) at the facility and how this project will affect the operation of the existing State home (if applicable).

(2) *Cultural resources.* The applicant shall provide a letter and two copies from the State Historic Preservation Officer (SHPO) stating whether the project area includes any properties on, eligible for, or likely to meet the criteria for the National Register of Historic Places. If the property does, or may include, National Register quality properties, the letter from the SHPO should discuss the determination of effect of the proposed project on such property.

(3) *Design development site plan.* The applicant shall submit a site survey which has been performed by a licensed land surveyor. A description of the site shall be submitted noting the general characteristics of the site. This should include soil reports and specifications, easements, main roadway approaches, surrounding land uses, availability of electricity, water and sewer lines, and orientation. The description should also include a map locating the existing and/or new buildings, major roads, and public services in the geographic area. Additional site plans should show all site work including property lines, existing and new topography, building locations, utility data, and proposed grades, roads, parking areas, walks, landscaping, and site amenities.

(4) *Design development (35 percent) drawings.* The applicant shall provide to the Department of Veterans Affairs one set of sepias and eight sets of prints, rolled individually per set, to expedite the review process. The drawings shall indicate the designation of all spaces, size of areas and rooms and indicate in outline the fixed and movable equipment and furniture. The drawings shall be drawn at 1/8" or 1/4" scale. Bedroom and toilet layouts, showing clearances and UFAS requirements, should be shown 1/4" scale. The total floor and room areas shall be shown in the drawings. The drawings shall include:

(i) Plan of any proposed demolition work;

## Department of Veterans Affairs

## § 17.220

(ii) A plan of each floor. For renovations, the existing conditions and extent of new work should be clearly delineated;

(iii) Elevations;

(iv) Sections and typical details;

(v) Roof plan;

(vi) Fire protection plans; and

(vii) Technical engineering plans, including structural, mechanical, plumbing, and electrical drawings.

If the project involves acquisition, remodeling, or renovation, the applicant should include the current as-built site plan, floor plans and building sections which show the present status of the building and a description of the building's current use and type of construction.

(5) *Space program.* The State shall submit a space program which includes a list of each room or area and the square feet proposed. The plan should note special or unusual services or equipment. The format should be similar to the Chart of Net Square Feet Allowed and room titles contained in § 17.222 (c)(5)(i) through (c)(5)(iii) of this part.

(6) *Design development outline specifications.* The applicant shall provide eight copies of outline specifications which shall include a general description of the project, site, architectural, structural, electrical, and mechanical systems such as elevators, nurses' call system, air conditioning, heating, plumbing, lighting, power, and interior finishes (floor coverings, acoustical material, and wall and ceiling finishes).

(7) *Design development cost estimates.* Three copies of cost estimates shall be included in the application to the Department of Veterans Affairs. Estimates shall show the estimated cost of the buildings or structures to be acquired or constructed in the project. Cost estimates should list the cost of construction, contract contingency, fixed equipment not included in the contract, movable equipment, architect's fees, and construction supervision and inspection. Unless justified by the State, the Department of Veterans Affairs allowance for equipment not included in the construction contract shall not exceed 10 percent of the construction or acquisition contract

cost. The Department of Veterans Affairs allowance for contingencies shall not exceed 5 percent of the total project cost for new construction or 8 percent of the total project cost for remodeling or renovation projects. If the project involves non-Federal participating areas, such costs should be itemized separately.

(8) *Design development conference.* After Department of Veterans Affairs review of the design development documents, a design development conference is recommended for all major projects. This will provide an opportunity for the applicants and their architects to learn Department of Veterans Affairs procedures and requirements for the project and to discuss Department of Veterans Affairs review comments. The material in paragraphs (b)(1) through (b)(7) of this section should be submitted for Department of Veterans Affairs review at least three weeks before the design development conference in the Department of Veterans Affairs Central Office in Washington, DC.

(Authority: 38 U.S.C. 8134(2))

(c) *Final review and approval (100% construction documents, bid tabulations and cost estimates).* (1) The applicant shall submit to the Department of Veterans Affairs for review and approval one labeled set of microfiche aperture cards, microfilm, or Compact Disc/Read Only Memory (CD ROM) compact laser disc with 100% construction documents (plans and specifications). The applicant shall also submit three copies of: itemized bid tabulations; assurances of compliance with Federal requirements, and revised budget page (SF 424C) based on the selected bids. This should include final cost estimates for all item in the project. Three signed copies of the Memorandum of Agreement shall be submitted which reflect the total estimated cost of the project and the Department of Veterans Affairs participation in the total cost.

(2) Following approval of final construction documents, bid tabulations, and costs estimates, the Secretary will sign the Memorandum of Agreement

## § 17.221

awarding the grant and committing available Federal funds.

(Authority: 38 U.S.C. 8134(2))

(d) *Construction or acquisition.* The State shall enter into a construction or acquisition contract and begin construction or acquisition of the State home within 90 days after the final grant has been awarded by the Secretary of Veterans Affairs. Any delays beyond 90 days must be fully justified by the State and approved by the Department of Veterans Affairs or the grant may be rescinded.

(Authority: 38 U.S.C. 8134(2))

(e) *Grant revisions.* When significant deviations occur in the approved program or budget, the procedures set forth in paragraphs (e) (1) and (2) of this section shall apply.

(1) If a State has received the award of a construction or acquisition grant, the State shall request prior approval from the Department of Veterans Affairs for programmatic or budgetary revisions when the scope or objective of the project changes in a significant manner or when an approved line item budgeted amount increases or decreases by more than 10 percent. All grant modifications of this type shall be within the total contingency allowance of 5 percent for new construction or 8 percent for remodeling or renovation.

(2) In unusual and unanticipated circumstances, the Department of Veterans Affairs may participate in modifications to a grant that exceeds the contingency allowance by awarding a grant increase for the project. A grant increase will require an amended application from the State and complete justification, subject to the approval of the Department of Veterans Affairs. The amended application for a grant increase will be treated as an original application for the purpose of the priority list and the award of any additional Federal funds for the project.

(Authority: 38 U.S.C. 8135(e))

(f) *Final architectural and engineering inspection.* The grantee shall notify the Department of Veterans Affairs immediately upon completion of the project and request a final architectural and engineering inspection. This inspection

## 38 CFR Ch. I (7-1-00 Edition)

is required prior to final payment under the construction or acquisition grant.

(Authority: 38 U.S.C. 8134(2))

(Information collection requirements contained in §17.220 were approved by the Office of Management and Budget under control number 2900-0520)

[56 FR 20357, May 3, 1991. Redesignated and amended at 61 FR 21966, 21968, May 13, 1996]

### § 17.221 Equipment.

(a) *General.* Equipment necessary for the State home's planned effective operation shall be included in the cost of the project.

(Authority: 38 U.S.C. 8134(2))

(b) *Definition of equipment.* The term *equipment* as used in this section means all items necessary for the functioning of all services of the State home, including equipment as needed to provide for accounting and other records, and maintenance of buildings and grounds. The term *equipment* does not include consumable supplies such as food, drugs, dressings paper, printed forms, soap, and the like which are routinely required to operate the State home.

(Authority: 38 U.S.C. 8134(2))

(c) *Classification of equipment.* All equipment shall be classified in two groups as indicated in paragraphs (c) (1) and (2) of this section:

(1) *Fixed equipment (included in construction/acquisition contract).* Fixed equipment is permanently affixed to the building or is connected to service distribution systems designed and installed during construction (e.g., kitchen and intercommunication equipment, built-in casework, and cubicle curtain rods). The Federal share in the cost of such equipment, included in the construction contract, will be determined by the Department of Veterans Affairs percentage of participation in the aggregate cost of the project.

(2) *Movable and fixed equipment (not included in project contract).* Movable and fixed equipment may be purchased separately from the construction or acquisition contract and includes furniture, furnishings, wheeled equipment, kitchen utensils linens, draperies, venetian blinds, electric clocks, pictures and trash cans. The Federal share in the